

### **REMARKS**

In view of the above amendments and the following remarks, reconsideration and withdrawal of the rejections set forth in the Final Office Action of October 17, 2005 are earnestly solicited.

Claims 1, 4 and 6—21 have been canceled, claims 22 and 23 have been added, and claims 2 and 5 have been amended, leaving claims 2, 3, 5, 22 and 23 pending in the application.

#### **Rejection Under 35 U.S.C. § 101**

Claims 1—21 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The rejection is respectfully traversed.

The Examiner asserts that the pending claims fail to meet the required criteria of a concrete tangible result and the invention does not provide any computer-implementation that produces a signal output, display, or any other concrete result.

In the first place, there is no statutory requirement for implementing a method invention via a computer. See, Ex parte Lundgren, Bd. Pat. App. & Int., No. 2003-2088, 10/05.

In the second place, Applicants submit that the concrete useful result of their invention is an improved failure mode and effects analysis (FMEA) itself. FMEA is not new—Applicants' invention is how FMEA can be performed using a knowledge base derived from an existing process related to a new process to be analyzed. The concrete result of FMEA is the systematic organization of analysis results which can be used to prioritize potential failures in the new process by degree of risk and to enable preventive

action to be concentrated on the highest risk potential failures first.

The way of generating a FMEA of a new process is clearly delineated in Applicants' independent claim 22. Likewise, the concrete result of the generated FMEA is clearly stated in claim 22 as "forwarding the process specific FMEA to a facility where the new process will be conducted for use in taking preventive action to prevent potential failures in an order determined by results of the process specific FMEA. FMEA is not a mere compilation of data—it prioritizes potential problems for resolution in a concrete manner. Withdrawal of the rejection is requested.

#### Rejection Under 35 U.S.C. § 103

Claims 1—21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/022545 to Johnson et al. in view of U.S. Patent No. 6,643,592 to Loman et al. The rejection is respectfully traversed.

Conventional FMEA uses brainstorming on a theoretical basis for a new process being analyzed. Applicants' invention provides a new approach to FMEA by utilizing actual rather than theoretical information. The claimed method systematically captures learning from a current existing process, such as a process for assembling a current model of a vehicle, and applies this actual knowledge to an analysis of a new process related to the current process—e.g. assembling an updated new model of the vehicle.

Both Johnson et al. and Loman et al. are concerned with correcting actual product failures in the field, not with the creation of a FMEA in the first place.

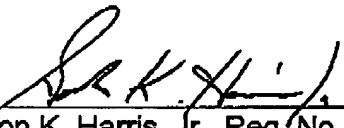
Neither cited reference teaches applicants' approach to systematically organizing knowledge gained from an existing process and applying that knowledge to a related new

process before any products are produced by the new process. Applicants are dealing with new potential failures using knowledge about existing failures, their causes and solutions. Hence, neither reference, taken alone or in combination, teaches limitations set forth in independent claim 22, to wit:

- analyzing differences
- performing a draft FMEA on the new process using the gathered data and analyzed differences
- performing a process specific FMEA on the new process using the draft FMEA
- conducting team group validation
- conducting management review

Claim 22 and its independent claims 2, 3, 5 and 23 are believed to be in condition for allowance, early acknowledgment of which is requested.

Respectfully submitted,

Dated: January 17, 2006 By:   
 Gordon K. Harris, Jr., Reg. No. 28,615  
 (248) 944-6526  
 Attorney for Applicants

Ralph E. Smith, Reg. No. 35,474  
 CIMS 483-02-19  
 DaimlerChrysler Intellectual Capital Company LLC  
 DaimlerChrysler Technology Center  
 800 Chrysler Drive East  
 Auburn Hills, MI 48326-2757  
 248-944-6519